

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9976 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

RAMESHBHAI BABUBHAI BARI

Appearance:

1. Special Civil Application No. 9976 of 2001
MR ASHISH M DAGLI for Petitioner No. 1
MR DIPAK R DAVE for Respondent No. 1
-

CORAM : MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 19/02/2002

ORAL JUDGEMENT

Rule. Mr.Dave waives service of rule on behalf
of the respondent workman. With the consent of the
parties, the matter is taken up for final disposal today.

The present petition is filed by Gujarat State Road Transport Corporation (GSRTC) challenging the judgment and award passed by the Labour Court, Valsad reference L.C.V No.210/1994 dated 23rd October, 2000. The Labour Court was pleased to award the reinstatement of the workman with continuity of service and 50% back wages.

On perusal of the papers and specifically the contents of para 8 of the judgment and award it is clear that the respondent workman was working as off-day reliever. Mr.Dagli learned advocate appearing for the petitioner corporation submitted that an enquiry was ordered about the gainful employment of the respondent workman and it was revealed that the respondent workman was working with some security agency. He submitted that looking to the tenure for which the respondent workman had worked as off-day reliever the petitioner corporation may not be able to assail the order of reinstatement successfully. But so far as the ground of 50% back wages is concerned, the same will amount to drain of public money and, therefore, he submitted that the judgment and award of the Labour Court be modified atleast to that extent.

Having found substance in the submission of Mr.Dagli and in absence of any counter affidavit to the fact of the respondent workman being gainfully employed and taking into consideration the long duration (i.e. from 1994 till the date of reinstatement) of about 8 years for which back wages are awarded, it is deemed fit that the judgment and award of the Labour Court be modified to an extent.

The present petition is allowed. The order of reinstatement with continuity of service is upheld. So far as the award of back wages is concerned, the same is hereby quashed and set aside. However, the order regarding cost of Rs.200/- stands and the petitioner shall pay that amount to the respondent workman. Rule is made absolute to the aforesaid extent.

Mr.Dave learned advocate for the respondent workman submitted that the petitioner corporation be directed to comply with the award of the Labour Court without driving the respondent workman to another set of litigations. Mr.Dagli submitted that within 4 weeks from today the respondent workman will be reinstated in service. It is also clarified that the petitioner corporation will have to pay the wages to the respondent

workman from the date of the award.

(Ravi R. Tripathi, J.)

/phalguni/